

REMARKS

Claims 1-11 are pending in this application. Applicants have amended independent claims 1, 4 and 8. Support for these amendments may be found in the specification at pages 16-17. No new matter has been added.

The Examiner acknowledged applicants' claim for priority under 35 USC 119(a)-(d) based on an application, 2002-273543, filed in Japan on September 19, 2002. However, the Examiner denied the priority claim since the U.S. application was allegedly filed more than twelve months thereafter. Applicants respectfully disagree that the U.S. application was not timely filed and invite the Examiner's attention to the Official Gazette Notices dated October 21, 2003. One notice, titled "Closing of the United States Patent and Trademark Office on Thursday, September 18, 2003, and Friday, September 19, 2003," explains that in view of the official closing of Federal Government offices in the Washington, DC metropolitan area, including the USPTO, on Thursday, September 18, 2003, and Friday, September 19, 2003, the USPTO will consider Thursday, September 18, 2003, and Friday, September 19, 2003 a "Federal holiday within the District of Columbia" under 35 USC 21 and 37 CFR. 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196.

The notice further explains that any action or fee due on Thursday, September 18, 2003, or Friday, September 19, 2003, will be considered as timely for the purposes of 35 USC 119 if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, i.e., Monday, September 22, 2003. Since applicants filed this U.S. application on September 22, 2003, and properly claimed priority to Japanese application 2002-273543, filed on September 19, 2002, the Examiner is respectfully requested to recognize the claim for priority.

The Examiner rejected claims 1-11 under 35 USC 102(b) as being anticipated by Bezos European Patent Application EP 0 927 945. Applicants respectfully traverse this rejection with respect to claims 1, 4 and 8, as amended.

Amended claim 1 recites a system for managing address data. The system includes an address data storing unit that stores address data of users that are categorized based on groups in which each of the users belong to and identification data unique to each of the users. An identification data receiving unit receives user identification data from user terminals. An address data extracting unit extracts address data from the address data storing unit and an address data output processing unit outputs the address data extracted by the address data extracting unit to one of the user terminals. Further, the identification data receiving unit specifies a group to which a user who inputs an order of merchandise belongs, based on a characteristic parameter of the user terminal, and the address data extracting unit specifies address data to be extracted based on the identification data received by the identification data receiving unit and based on the group specified by the identification data receiving unit.

Applicants have similarly amended claims 4 and 8 to add that a group, to which a user who inputs an order of merchandise belongs, is specified based on a characteristic parameter of the user's terminal. Thus, applicants' invention can provide address data that is appropriate for a user who inputs an order of merchandise by referring to the specified group.

In contrast, in the system disclosed in Bezos, it is not a group to which a gift giver belongs that is specified, but rather it is a group to which a gift recipient belongs that is specified. For example, according to Bezos at [0028], lines 15-18, "Figure 10 illustrates a grid for creation of a group and the entry of identifying information for recipients associated with the group (i.e. members)." (emphasis added). That is not a disclosure or suggestion of the claimed invention. Bezos discloses nothing about a procedure for specifying a group to which a gift giver belongs. Moreover, Bezos does not disclose a procedure for specifying address data based on a group to which a gift giver belongs.

Additionally, the invention according to amended claims 1, 4 and 8 can identify a user terminal in accordance with a characteristic parameter of the user terminal. This characteristic parameter includes, for example, an IP address or a MAC address. On the other hand, Bezos

states at [0028], lines 23-24, that "the user may enter only the email address for some users" An email address is the address of a mailbox provided within a mail server. An email address does not necessarily indicate individual addresses of a plurality of user terminals so as to identify each of the terminals. Therefore, Bezos' use of an email address is not the same as applicants' characteristic parameter of a user terminal in claims 1, 4 and 8, as amended.


To anticipate a claim, the reference must teach every element of the claim. Bezos fails to do this. Accordingly, the invention claimed is patentable over the Bezos reference, and claims 1, 4 and 8 should be allowed. This logic also disposes of the rejections of claims 2-3, 5-7 and 9-11, which depend directly or indirectly from claims 1, 4 and 8.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 116692004400.

Dated: October 10, 2006

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